IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10391 of 2004

Between:

Smt. A. V.D. Satyanarayanamma W/o Venkataramaraju
School Assistant, TW Girls High School, Koya-Rajahmundry, West Godavari

District

..... PETITIONER

AND

1 The Project Officer, Integrated Tribal Development Agency (ITDA)
Kotaramachandrapuram
2 The Chairman Integrated Tribal Development Agency (ITDA)
And the Distrct Collector, Eluru West Godavari District
3 The District Welfare Development Officefr, ITDA, Kotaramachandrapuram
4 K. Samuel, B.Ed. Assistant TWAGH School, Lankalapalli,
West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction particularly in the nature of Writ of Mandamus declaring the order of the learned Andhra Pradesh Administrative Tribunal, Hyderabad dated 04-05-2004 in Rc. No. T/2993/2003 as illegal, arbitrary improper, unjust and diametrically opposed to the clear categorical and positive direction contained in the order dated 24-04-2003 and consequently direct the first respondent to promote me as B.Ed. Assistant by taking my date of joining in ITDA Services i.e., 07-10-1982 by according me notional seniority from a dated prior to the promotion of the fourth respondent in that category as directed by the learned Tribunal and directed the respondent to give all notional attended benefits with further promotion if found entitled to and grant such other relief or reliefs as are deemed fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.M.V.J.K.KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

The Court made the following :

HONOURABLE SRI JUSTICE J.CHELAMESWAR

AND

HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 10391 of 2004

ORDER: (Per Sri G.R.,J)

The writ petition is filed assailing the order of the Andhra Pradesh Administrative Tribunal, Hyderabad, dated 04-05-2004 in Contempt Application No.197 of 2004 in O.A.No.4488 of 1996, dated 24-04-2003 and also the order of the first respondent-Project Officer, Integrated Tribal Development Agency, Kotaramachandrapuram, dated 27-04-2004.

By the first respondent proceedings dated 27-04-2004, the petitioner has been treated as junior to one K.Samuel both in the Secondary Grade Teachers and School Assistants cadre. The grievance of the petitioner is that she has been declared as Senior to Samuel in the judgment of Andhra Pradesh Administrative Tribunal, Hyderabad, dated 24-04-2003 in O.A.No.4488 of 1996. Urging the said grievance, the petitioner filed Contempt Application NO.197 of 2004 before the Tribunal. By the order dated 04-05-2004, learned Tribunal rejected the contempt application, recording that as the petitioner's case was considered and 4th respondent-Samuel was declared as senior to her, the orders of the Tribunal in O.A.No.4488 of 1996 have been complied with.

Insofar as the petitioner's grievance against the 1st respondent's proceedings

dated 27-04-2004 is concerned, the said grievance cannot be urged in this writ petition, in the first instance. In view of the decision of the Supreme Court in ***L.CHANDRA KUMAR v. UNION OF INDIA[1],*** the petitioner will have to approach the Andhra Pradesh Administrative Tribunal to challenge the 1st respondent's letter dated 27-04-2004 and then only, if the grievance persists, she is at liberty to approach this Court.

Insofar as the orders of the Tribunal dated 04-05-2004, rejecting the Contempt Application is concerned, no apparent remedy is available to the petitioner in view of the provisions of Section 17 of the Administrative Tribunal Act r/w Section 19 of the Contempt of Courts Act, 1971.

On the above analysis, the writ petition is without merit and is dismissed at the admission stage. No costs

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(J.CHELAMESWAR, J)

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21st July, 2004 (GODA RAGHURAM,J)

Kvr/Mrk

To

1 The Registrar, A.P.A.T., Hyderabad.

2 The Project Officer, Integrated Tribal Development Agency (ITDA)
Kotaramachandrapuram
3 The Chairman Integrated Tribal Development Agency (ITDA)
And the Distrct Collector, Eluru West Godavari District
4 The District Welfare Development Officefr, ITDA, Kotaramachandrapuram
5 Two C.Cs to the GP for Social Welfare, AP High Court Buildings, High

Court of AP, Hyderabad.

6 Two C.D.Copies.